

Force". The word "prescribe" is substituted for the words "make and publish". The specific enumeration of sections is substituted for the word "chapter", since certain sections of this title relating to reservists are not based on this source statute. The second sentence of the revised section is substituted for 50: 1002 (1st 14 words), for clarity. The words "except when the Coast Guard is operating as a service in the Navy" are inserted to make it clear that the power of the Secretary of the Treasury is so limited.

Chapter 13.—THE MILITIA

Sec.

311. Militia: composition and classes.

312. Militia duty: exemptions.

§ 311. Militia: composition and classes.

(a) The militia of the United States consists of all able-bodied males at least 17 years of age and, except as provided in section 313 of title 32, under 45 years of age who are, or who have made a declaration of intention to become, citizens of the United States.

(b) The classes of the militia are—

(1) the organized militia, which consists of the National Guard and the Naval Militia; and

(2) the unorganized militia, which consists of the members of the militia who are not members of the National Guard or the Naval Militia. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 14.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
311 (a).....	32: 1 (less last 19 words).	June 3, 1916, ch. 134, § 57, 39 Stat. 197; June 28, 1947, ch. 162, § 7 as applicable to § 57 of the Act of June 3, 1916, ch. 134, 61 Stat. 192.
311 (b).....	32: 1 (last 19 words).	

In subsection (a), the words "who have made a declaration of intention" are substituted for the words "who have or shall have declared their intention". The words "at least 17 years of age and * * * under 45 years of age" are substituted for the words "who shall be more than seventeen years of age and * * * not more than forty-five years of age". The words "except as provided in section 313 of title 32" are substituted for the words "except as hereinafter provided", to make explicit the exception as to maximum age.

In subsection (b), the words "The organized militia, which consists of the National Guard and the Naval Militia" are substituted for the words "the National Guard, the Naval Militia", since the National Guard and the Naval Militia constitute the organized militia.

§ 312. Militia duty: exemptions.

(a) The following persons are exempt from militia duty:

(1) The Vice President.

(2) The judicial and executive officers of the United States, the several States and Territories, Puerto Rico, and the Canal Zone.

(3) Members of the armed forces, except members who are not on active duty.

(4) Customhouse clerks.

(5) Persons employed by the United States in the transmission of mail.

(6) Workmen employed in armories, arsenals, and naval shipyards of the United States.

(7) Pilots on navigable waters.

(8) Mariners in the sea service of a citizen of, or a merchant in, the United States.

(b) A person who claims exemption because of religious belief is exempt from militia duty in a combatant capacity, if the conscientious holding of that belief is established under such regulations as the President may prescribe. However, such a person is not exempt from militia duty that the President determines to be noncombatant. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 15.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
312 (a).....	32: 3 (less last 67 words).	June 3, 1916, ch. 134, § 59, 39 Stat. 197.
312 (b).....	32: 3 (last 67 words).	

In subsection (a), the words "Members of the armed forces" are substituted for the words "persons in the military or naval service". The words "except members who are not on active duty" are inserted to reflect an opinion of the Judge Advocate General of the Army (JAGA 1952/4374, 9 July 1952). The word "artificers" is omitted as covered by the word "workmen". The words "naval shipyards" are substituted for the words "navy yards" to reflect modern terminology. The words "on navigable waters" are inserted to preserve the original coverage of the word "pilots". The words "actually" and "without regard to age" are omitted as surplusage.

Chapter 15.—INSURRECTION

Sec.

331. Federal aid for State governments.

332. Use of militia and armed forces to enforce Federal authority.

333. Interference with State and Federal law.

334. Proclamation to disperse.

§ 331. Federal aid for State governments.

Whenever there is an insurrection in any State against its government, the President may, upon the request of its legislature or of its governor if the legislature cannot be convened, call into Federal service such of the militia of the other States, in the number requested by that State, and use such of the armed forces, as he considers necessary to suppress the insurrection. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 15.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
331.....	50: 201.	R. S. 5297.

The words "armed forces" are substituted for the words "land or naval forces of the United States". The word "governor" is substituted for the word "executive". The word "may" is substituted for the words "it shall be lawful * * * to". The words "into Federal service" are substituted for the word "forth" for uniformity and clarity.

§ 332. Use of militia and armed forces to enforce Federal authority.

Whenever the President considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States,

make it impracticable to enforce the laws of the United States in any State or Territory by the ordinary course of judicial proceedings, he may call into Federal service such of the militia of any State, and use such of the armed forces, as he considers necessary to enforce those laws or to suppress the rebellion. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 15.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
332-----	50: 202.	R. S. 5298.

50: 202 (last 22 words) is omitted as surplusage. The words "armed forces" are substituted for the words "land and naval forces of the United States". The words "call into Federal service such of the militia" are substituted for the words "call forth the militia of any or all the States" for clarity and uniformity. The word "may" is substituted for the words "it shall be lawful". The words "faithful execution of the" and "in whatever State or Territory thereof the laws of the United States may be forcibly opposed" are omitted as surplusage.

§ 333. Interference with State and Federal law.

The President, by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it—

(1) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

(2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 15.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
333-----	50: 203.	R. S. 5299.

The words "armed forces" are substituted for the words "land or naval forces of the United States". The word "shall" is substituted for the words "it shall be lawful for * * * and it shall be his duty".

§ 334. Proclamation to disperse.

Whenever the President considers it necessary to use the militia or the armed forces under this chapter, he shall, by proclamation, immediately order the insurgents to disperse and retire peaceably to their abodes within a limited time. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 16.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
334-----	50: 204.	R. S. 5300.

The words "militia or the armed forces" are substituted for the words "military forces" for clarity and to conform to sections 331, 332, and 333 of this title.

Chapter 17.—ARMING OF AMERICAN VESSELS

Sec.

351. During war or threat to national security.

§ 351. During war or threat to national security.

(a) The President, through any agency of the Department of Defense designated by him, may arm, have armed, or allow to be armed, any watercraft or aircraft that is capable of being used as a means of transportation on, over, or under water, and is documented, registered, or licensed under the laws of the United States.

(b) This section applies during a war and at any other time when the President determines that the security of the United States is threatened by the application, or the imminent danger of application, of physical force by any foreign government or agency against the United States, its citizens, the property of its citizens, or their commercial interests.

(c) Section 463 of title 22 does not apply to vessels armed under this section. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 16.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
351 (a)-----	50: 481 (1st sentence, less 1st 7 words).	June 29, 1948, ch. 715, 62 Stat. 1095.
351 (b)-----	50: 481 (1st 7 words of 1st sentence and 2d sentence).	
351 (c)-----	50: 481 (less 1st and 2d sentences).	

In subsection (a), the wording of the special definition of "vessel" and "American vessel", contained in section 16 of the Neutrality Act of 1939, 54 Stat. 12 (22 U. S. C. 456), is substituted for the words "any American vessel as defined in the Neutrality Act of 1939".

In subsection (b), the words "or national emergency" are omitted, since the words of the source statute defining that term have been substituted for it.

In subsection (c), the words "(relating to bonds from armed vessels on clearing)" are omitted as surplusage.

PART II.—PERSONNEL

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